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PATENT
Attorney Docket No. 1435-209

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
| |) | |
| Grant Berent Jacobsen et al. |) | Group Art Unit: 1713 |
| |) | |
| Application No.: 10/525,035 |) | Examiner: Rip A. Lee |
| |) | |
| Filed: February 17, 2005 |) | |
| |) | |
| For: Supported Polymerisation |) | Confirmation No.: 3499 |
| Catalysts |) | |

Commissioner for Patents
Washington, DC 20231

Sir:

REQUEST FOR WITHDRAWAL OF FINAL OFFICE ACTION

In the Office Action of September 22, 2006, the Examiner finally rejected claims 1-4, 6, 7, 9-11, and 14-18 for being obvious over Andell et al (U.S. 6,225,423). This is a new ground of rejection relative to the first Office Action of March 30, 2006. Andell et al. was cited for the first time in the Office Action of September 22, 2006.

M.P.E.P. §706.07(a) clearly provides as follows:

Under present practice, second or any subsequent actions on the merits shall be final, except where the Examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement Furthermore, a second or any subsequent action on the merits in any application . . . will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement . . . of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

A second or any subsequent action on the merits in any application . . . should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed. See M.P.E.P. §904 et seq. For example, one would reasonably expect that a rejection under 35 U.S.C. 112 for the reason of incompleteness would be replied to by an amendment supplying the omitted element.

In the Amendment filed June 27, 2006, main claim 1 was amended to include the subject matter of claim 8 and claim 8 was cancelled. Accordingly, it is submitted that the new ground of rejection was not necessitated by applicants' amendment of the claims and should be withdrawn. Applicants should be entitled an opportunity to fully respond to the Office Action of September 22, 2006 and the newly cited reference without being restricted by the requirements of Rule 116.

Respectfully submitted,

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Dated: November 15, 2006

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